

EXHIBITS PLAINTIFF'S REPLY TO WP 479

Plaintiff's Statement #1

EXHIBIT #1 Proof of Filing Declaration and Exhibits on April 17, 2023

EXHIBIT #2 Re-Presenting Representation VI Exhibit Arnot Art Museum Pl.Evid 000382
Pl. Evid 000383 and 000384. Plaintiff's Evid. 000389

EXHIBIT #3A Plaintiff 2004 Staten Island Institute of Arts and Sciences Brochure for my Solo
Exhibit Pl. Evid 000108, 000109, 000110, 000111, 000112 and 000113.
3B Detail Quote by Bart Bland *Annamarie Trombetta, a realist painter.*

EXHIBIT #4 Photo of Plaintiff & Park Commissioner Henry Stern at Plaintiff Solo Exhibit Dana
Center Central Park at 110th Street. Pl. Evid.000254.

EXHIBIT #5 Plaintiff's Catalog with Copyrighted self authored Biography Sold at the
Staten Island Institute of Arts and Sciences Gift shop
Plaintiff catalog with Biography -COPYRIGHT INFRINGEMENT TEXT
Pl.Evid to 000085, 000086, 000087, 000088, 000089, 000090, 000091, 000092,
000093, 000094, 000095, 000096, 000097, 000098, 000099, 000100, 000101,
000102, 000103, 000104, 000105, 000106 and 000107.

EXHIBIT #6 Pl. Evid Who's Who In American Art 000235 and Pl.Biography in 000236

EXHIBIT #7 Plaintiff's photos with The His Holiness the Dalai Lama, Pl. Evid ,000257

EXHIBIT #8 Plaintiff with Mayor Bloomberg Pl. Evid. 302

EXHIBIT #9 Plaintiff with Mayor Guiliani Pl. Evid. 304

Plaintiff's Statement #2

EXHIBIT #10 Pl. Evid. Pages of Plaintiff's rough draft from my sketchbook.

EXHIBIT #11 Letter from Friend and Colleague Vanessa Ploski Pl. Evid.000228

EXHIBIT #12 Vanessa Ploski deposition page 22 Plaintiff's signature. Vanessa Ploski
Deposition on Plaintiff biography and website pages 32 to 36.

EXHIBIT #13 Plaintiff REQUEST NOT TO MAKE SIGNATURE information made public.
Vanessa Ploski deposition pages 18-22.

EXHIBIT #14 Copyright Registration No. TX 8-655-807. Pl.Evid. 000118

EXHIBIT
11

March 4, 2022

Dear Sir/Madam,

I set forth this letter on behalf of artist Annamarie Trombetta to inform all parties concerned that my husband and I, during the early summer of 2003, proofread her biography that she had handwritten in her sketchbook.

My husband, Andrew Ploski, has known Annamarie since they attended Parsons School of Design together in the mid-eighties. He introduced me to Annamarie in 2001.

I found her biography to be quite comprehensive and well thought out. It was unique as it was longer than most biographies that would appear on a website. We did not offer any substantive edits, we only commented on a couple grammatical concerns.

Annamarie informed us that the biography would be included in her soon to be printed catalog for her upcoming exhibitions to include her solo exhibit in celebration of the 150th Anniversary of Central Park and her upcoming solo exhibition in 2004 at the Staten Island Museum.

To the best of my memory, the biography we proofread in 2003 is the same that remains posted on this page of her website: <https://www.trombettaart.com/bio.html>

It behoves me to write such a letter, to verify that she is the author of her own biography as the facts and details of her writing is so personally designed and scripted.

Lastly, in our opinion it is indeed a moral imperative to extend our time and this letter for Annamarie Trombetta who has had to endure such scrutiny, chaos and a great loss of time due to a fraudulent and harmful internet post.

Feel free to contact me if you have any questions.

Sincerely,

Vanessa Ploski

Vanessa Koi Ploski

Vanessa.Ploski@icloud.com

PO Box 854, Nyack, New York 10960

EXHIBIT #12

Page 22

1

V. KOI-PLOSKI

2

A. Annamarie Trombetta.

3

Q. And Annamarie is one word?

4

A. Yes.

5

Q. To your knowledge, has Ms.

6

Trombetta's signature changed over time or

7

has it always been the same?

8

A. I have no knowledge of that.

9

Q. Do you know whether she's ever

10

signed her work Anna Maria Trombetta?

11

A. Never.

12

Q. Have you seen every work that

13

Ms. Trombetta's ever created?

14

A. I have not seen every work that

15

she's ever created, but I know she's very

16

particular about her name.

17

Q. So in your opinion, it's

18

unlikely that she signed it like that,

19

correct?

20

A. Correct.

21

Q. But you can't say with

22

certainty because you've never seen every

23

piece of art she's created, right?

24

A. You're phrasing the basis. I'm

25

telling you with certainty that she would

EXHIBIT A 12

Page 32

1 V. KOI-PLOSKI

2 year, what her income is?

3 A. No.

4 Q. Do you know how many sales she
5 makes per year?

6 A. No.

7 Q. Just to clarify, you don't know
8 which paintings she sold by name, correct?

9 A. Correct.

10 Q. Are you familiar with whether
11 Ms. Trombetta has written a biography?

12 A. Yes.

13 Q. How are you so familiar with
14 that?

15 A. Because when she had initially
16 written her autobiography, it was for a
17 catalogue that was going to be printed.
18 And she read it to me and she asked my
19 opinion.

20 Q. So Ms. Trombetta read the
21 autobiography to you and asked your
22 opinion?

23 A. Yes.

24 Q. Did you ever read the biography
25 at that point?

EXHIBIT #12

Page 33

V. KOI-PLOSKI

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2

A. I tried to.

3

Q. What do you mean by that?

4

A. Her handwriting was hard to

5

read.

6

Q. And when did this take place?

7

A. In 2003.

8

Q. Was this at a social visit with

9

Ms. Trombetta?

10

A. Yes.

11

Q. For what purpose did she read

12

the biography to you?

13

A. To get my opinion.

14

Q. What did she want your opinion

15

about, to your knowledge or understanding?

16

A. Just how it sounded, if it read

17

well, if it sounded professional.

18

Q. And so at that time the

19

biography was handwritten; is that right?

20

A. Yes.

21

Q. And you had trouble reading it,

22

so she read it to you; is that correct?

23

A. Yeah, she wrote it -- it was

24

like kind of a lot of scribbles on it, you

25

know, things crossed out, rewritten, that

EXHIBIT #12

Page 34

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V. KOI-PLOSKI

sort of thing. She writes very small, my eyes aren't really great, so.

Q. And to your recollection, where was this written?

A. It was like an artist book.

Q. Sort of the size of an average sketchbook or smaller?

A. Yeah, it was -- yeah. Around the size of a sketchbook.

Q. Did you make any copies of Ms. Trombetta's biography that day?

A. No, I did not.

Q. Did you make any edits to her biography?

A. I did not make any edits.

Q. What was your feedback after she read it to you?

A. I thought it was really long. I thought it was very poetic. It was not what I would particularly hear in a biography. It was kind of flowery.

Q. Was your husband present for this as well?

A. No.

EXHIBIT #12

Page 35

1 V. KOI-PLOSKI

2 Q. But to your knowledge, your
3 husband on the day in 2003 was not present
4 for the reading of Ms. Trombetta's
5 biography?

6 A. He wasn't. He had to take care
7 of something and so I was with Annamarie
8 Trombetta, and while we waited for him, she
9 showed me her biography and asked my
10 opinion.

11 Q. Do you know if Ms. Trombetta's
12 biography was ever posted to her website?

13 A. Yes.

14 Q. How do you know that?

15 A. Because I saw it on her
16 website, was surprised that she used the
17 whole thing, and I remembered, you know,
18 what she had initially written. It was to
19 the best of my memory the same I had read.

20 Q. When was the first time you saw
21 the biography on Ms. Trombetta's website?

22 A. Years ago.

23 Q. Can you approximate for me when
24 that was?

25 A. No.

EXHIBIT #12

Page 36

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V. KOI-PLOSKI

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Q. You say you were surprised she used the whole thing. What do you mean by that?

5

6

7

A. It's long. You know, I don't typically see biographies that are that long on websites.

8

9

10

11

Q. Do you know whether the biography that she posted on her website was the same language as the biography you listened to?

12

13

14

15

A. It sounded the same. I can't say that it was word for word exactly the same because I never made copies of the original.

16

17

Q. How many times have you been to Ms. Trombetta's website?

18

19

20

21

22

A. I don't know. Maybe a dozen.

Q. And for what purpose?

A. Just to see what she's doing.

Q. Is that website

trombettaart.com?

23

A. Yes.

24

25

Q. On the occasions when you visited the website, did you ever take any

EXHIBIT #13

Page 18

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V. KOI-PLOSKI

This is what this whole case is all about.

MR. HAIMSON: Ms. Trombetta, Ms. Ploski is testifying to her personal observation. She's -- I'm entitled to ask questions about that. This is a private deposition. It's -- this is not a public record at this point in time. I'm asking her about her personal observations. This is perfectly, you know, a perfectly normal question.

MS. TROMBETTA: Will it be un-public?

MR. HAIMSON: If you're concerned about testimony being included in motions that go in the public record, we can discuss that before it's put in connection with a motion or anything like that.

MS. TROMBETTA: It is a concern.

MR. HAIMSON: What is the concern exactly?

EXHIBIT # 13

Page 19

1 V. KOI-PLOSKI

2 MS. TROMBETTA: It is a concern
3 on my work. I don't have it visible
4 online.

5 MR. HAIMSON: Okay. We can
6 address it being made public at a
7 later point, that's no problem.
8 Right now I'm just asking Ms. Ploski
9 to testify about what she's seen and
10 her personal observations.

11 Nathan, could you read back my
12 question to Ms. Ploski.

13 (Whereupon, the referred-to
14 question was read back by the
15 Reporter.)

16 Q. Go ahead, Ms. Ploski.

17 A. This whole thing is a matter of
18 Annamarie Trombetta being misrepresented
19 online. And you -- I'm not satisfied that
20 you've answered her concern about whether
21 or not my --

22 Q. Ms. Ploski --

23 A. -- will be available to a party
24 that has nothing do with this.

25 Q. Are you refusing to answer my

EXHIBIT #13

Page 20

1 V. KOI-PLOSKI

2 question then?

3 A. I'm expressing my concern.

4 Q. Your concern is noted. Can you
5 please answer the question?

6 A. She has a delicate signature,
7 and she tends to have a little triangle
8 that she tends to put with her signature.

9 Q. I'm sorry, can you repeat? She
10 has a delicate signature?

11 A. Yes, she has a delicate
12 signature and she has a triangle, kind of a
13 logo that she puts with her signature.

14 MS. TROMBETTA: Which are now
15 going to change.

16 MR. HAIMSON: Ms. Trombetta,
17 again, for the record, this is a
18 private deposition. No one is
19 putting this on a public record if
20 that is your concern. We can
21 stipulate not to put details of your
22 signature on any public forum, that's
23 not a problem --

24 MS. TROMBETTA: Thank you,
25 thank you.

EXHIBIT #13

Page 21

V. KOI-PLOSKI

MR. HAIMSON: That's not why I'm asking the question. I'm just simply trying to ascertain how familiar Ms. Ploski is with your artwork and the details about your artwork. That's the only reason why I'm asking, okay?

MS. TROMBETTA: I understand that, but certain information can be unintentionally made public, and that's what occurred last week. Please proceed.

Q. Ms. Ploski, does Ms. Trombetta's signature on her artwork include her name as well?

A. Yes.

Q. Do you know what form that takes?

A. Can you rephrase your question?

Q. Sure, is it her full name, for example?

A. Yes.

Q. And what is Ms. Trombetta's full name, to your knowledge?

EXHIBIT 17 # 13

Page 22

V. KOI-PLOSKI

A. Annamarie Trombetta.

Q. And Annamarie is one word?

A. Yes.

Q. To your knowledge, has Ms. Trombetta's signature changed over time or has it always been the same?

A. I have no knowledge of that.

Q. Do you know whether she's ever signed her work Anna Maria Trombetta?

A. Never.

Q. Have you seen every work that Ms. Trombetta's ever created?

A. I have not seen every work that she's ever created, but I know she's very particular about her name.

Q. So in your opinion, it's unlikely that she signed it like that, correct?

A. Correct.

Q. But you can't say with certainty because you've never seen every piece of art she's created, right?

A. You're phrasing the basis. I'm telling you with certainty that she would

Certificate of Registration

Confidential Plaintiff 000118



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Registration Number

TX 8-655-807

Effective Date of Registration:

June 18, 2018

Kary A. Lush

Acting United States Register of Copyrights and Director

EXHIBIT # 14

Title

Title of Work: Annamarie Trombetta Website www.trombettaart.com Biography --Portfolio-Credentials -- HomePage

Completion/Publication

Year of Completion: 2003

Date of 1st Publication: September 30, 2003

Nation of 1st Publication: United States

Author

- Author: Annamarie Trombetta
- Author Created: text, photograph(s), artwork
- Citizen of: United States
- Domiciled in: United States
- Year Born: 1963

Copyright Claimant

Copyright Claimant: Annamarie Trombetta
175 East 96th Street (12R), New York, NY, 10128, United States

Certification

Name: Annamarie Trombetta

Date: June 18, 2018

Correspondence: Yes